

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CHARLES JOSEPH WASSIL,

Plaintiff,

v.

**Civil Action No. 1:12cv48
(Judge Keeley)**

SCOTT VILLERS, et al.,

Defendants.

**AMENDED REPORT AND RECOMMENDATION
THAT APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF FEES BE DENIED¹**

On March 19, 2011, the *pro se* plaintiff, Charles Wassil, filed this civil rights action. He also filed a Motion for Leave to Proceed *in forma pauperis*. On March 28, 2012, the plaintiff filed a signed Prisoner Trust Account Report with supporting ledger sheets.

The ledger sheets and Prisoner Trust Account Report reveal that the plaintiff had an account balance of \$2,100.27 as of March 22, 2012, and \$2096.55 on March 15, 2012. Moreover, the plaintiff has had average monthly deposits of \$600 during the six months preceding the filing of this action and an average monthly balance of \$2000 during that same six month period. Consequently, the plaintiff had sufficient funds to pay the \$350.00 filing fee. Accordingly, the plaintiff's request to proceed without prepayment of fees should be denied, and the plaintiff should be ordered to pay the full filing fee. The plaintiff should also be warned that the failure to pay the full filing fee within the time allowed by the Court will result in the dismissal of his complaint.

Within fourteen (14) days after being served with a copy of this Recommendation, the

¹The sole purpose of this amended Report and Recommendation is to correct the name of the plaintiff in the first paragraph. In all other respects, the body of the Report and Recommendation is identical.

plaintiff may file with the Clerk of the Court, written objections identifying the portions of the Recommendation to which objections are made, and the basis for such objections. A copy of such objections should also be submitted to the Honorable Irene M. Keeley, United States District Judge. Failure to timely file objections to the Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985) United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).

The Clerk of the Court is directed to mail a copy of this Report and Recommendation to the *pro se* plaintiff by certified mail, return receipt requested, to his last known address as shown on his docket sheet.

DATED: April 2, 2012

John S. Kaull

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE